

**REMARKS**

No claims have been amended. Claims 40-55 and 71-75, corresponding to non-elected claims, have been canceled. No new claims have been added. Claims 56-70 are pending.

Claims 56-70 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tsai (U.S. Patent No. 5,757,045). This rejection is respectfully traversed.

Claim 56 recites, *inter alia*, "each of said first diffusion regions includes a portion extending beneath said gate structure; and none of said plurality of second diffusion regions include any portion which extends beneath said gate structure."

Claim 66 recites, *inter alia*, "each of said first portions is partially located beneath said interior surface of said thermally reoxidized sidewall; and each of said second portions is partially located underneath said exterior surface of said thermally reoxidized sidewall; and none of said second portion is located underneath said interior surface of said thermally reoxidized sidewall."

Referring to Fig. 13, Tsai discloses a device 5 having a gate structure which includes a gate stack 12 and associated sidewalls, formed over a substrate. The Office Action is correct that Tsai discloses a first diffusion region 21 and a second diffusion region 22. The Office Action asserts that Fig. 13 illustrates a structure in which none of a second diffusion region 22 extends beneath the gate 22.

It is respectfully asserted that the Office Action is in error, Fig. 13 clearly illustrates that a portion of both diffusion regions 21 and 22 lie under the gate structure 12. In contrast, Claims 56 recites, "and none of said plurality of second diffusion regions include any portion which extends beneath said gate structure." This feature is not taught or suggested by Tsai. Similarly, claim 66 recites "and none of said second

portion is located underneath said interior surface of said thermally reoxidized sidewall." This feature is also not taught or suggested by Tsai.

Accordingly, claims 56 and 66 are believed to be allowable over the prior art of record. Dependent claims 57-65 and 67-70 are believed to be allowable for at least the same reasons as claims 56 and 66.

Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By  \_\_\_\_\_  
Thomas J. D'Amico

Registration No.: 28,371

Christopher S. Chow

Registration No.: 46,493

DICKSTEIN SHAPIRO MORIN &  
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicant

